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STATESVILLE, NC

MAY 18 2005

Clerk, U. S. Dist. Court  
W. Dist of N. C.

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION

JAMES C. GRAHAM,

Plaintiff,

v.

MERCHANTS METALS, INC.,

Defendant.

Case No. 5:02CV140

**CONSENT PROTECTIVE ORDER**

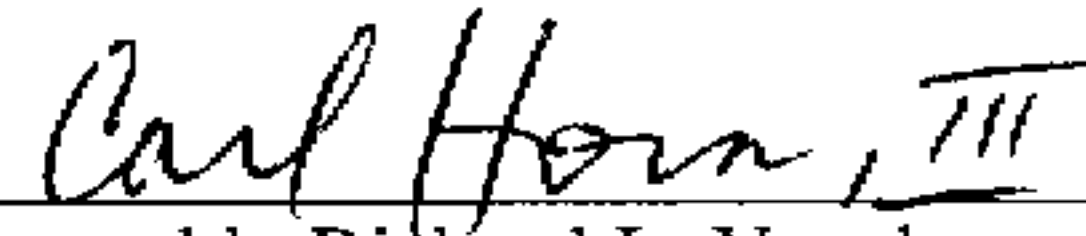
UPON MOTION, of the Defendant Merchant Metals, Inc. and with the consent of  
Plaintiff and for good cause shown,

IT IS ORDERED that:

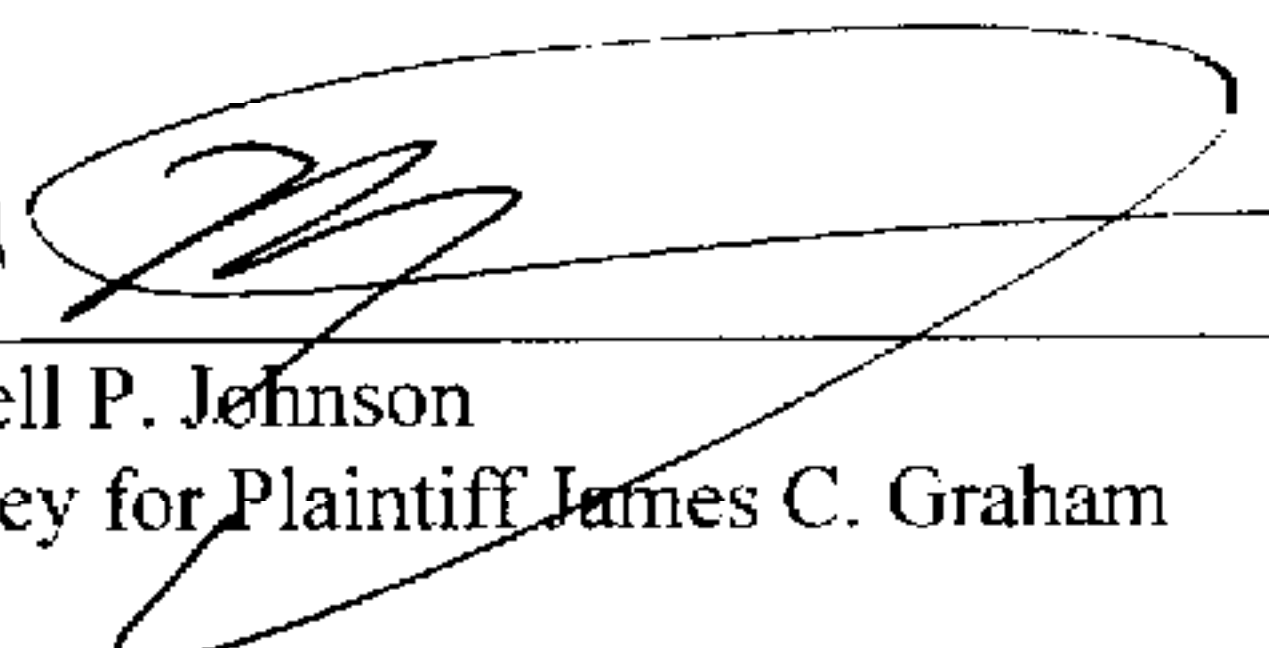
1. All documents designated hereafter as "CONFIDENTIAL" and produced hereafter by the parties in this case, the contents of such "CONFIDENTIAL" documents, and any deposition testimony designated as "CONFIDENTIAL" shall be kept confidential and shall not be disclosed to anyone except as provided herein. Information that is "CONFIDENTIAL" may include medical records, personnel files, employee salary and benefits information and corporate financial information. The parties shall be obligated to designate only such documents as "CONFIDENTIAL" that they believe in good faith to be confidential.
2. Counsel who considers all or part of a deposition transcript subject to this order shall so designate the applicable portion of a deposition transcript within twenty (20) days of receipt of the transcript and shall forward that designation to opposing counsel and the court reporter. All depositions shall be treated as confidential for a period of twenty (20) days after the transcript of said depositions are received by the parties.
3. Any "CONFIDENTIAL" documents filed with or presented to the Court or any pleadings or other documents disclosing the contents of such "CONFIDENTIAL" documents or deposition testimony shall not be presented to the Court except in a sealed envelope marked "CONFIDENTIAL: Subject to Protective Order."

4. "CONFIDENTIAL" information furnished or disclosed in these proceedings by any party shall be furnished or disclosed only to the attorneys (including employees of their firms engaged in this litigation), and experts specially retained by such attorneys to assist them in the preparation of this case or to testify as a witness in the trial of this case.
5. No person who obtains "CONFIDENTIAL" information in the course of this litigation shall use such "CONFIDENTIAL" information for commercial benefit or for any purpose other than for purposes of this litigation.
6. Following conclusion of the trial of this case all documents subject to this Protective Order (other than documents retained by the Court) shall be returned to the producing party except as set forth hereafter.
7. This Protective Order applies to copies and summaries or compilations of any confidential documents. Summaries and compilations which include attorney-client privileged information, the mental impressions of counsel or attorney work product are not subject to paragraph 6 above.

This the 14th day of May, 2005.

  
~~Honorable Richard L. Voorhees~~

  
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David Long-Daniels  
Attorney for Defendant Merchant Metals, Inc.

  
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Mitchell P. Johnson  
Attorney for Plaintiff James C. Graham